

रजिस्टर्ड नं० पी०/एन० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 3 दिसम्बर, 1986/12 अप्रहायण, 1908

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Shimla-171004, the 25th November, 1986

No. 1-48/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Essential Commodities (Himachal Pradesh Amendment) Bill, 1986 (Bill No. 17 of 1986) having been introduced on the 25th November, 1986, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 17 of 1986.

**THE ESSENTIAL COMMODITIES (HIMACHAL PRADESH
AMENDMENT) BILL, 1986**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*to amend the Essential Commodities Act, 1955 (Central Act No. 10 of 1955)
in its application to the State of Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the
Thirty-seventh Year of the Republic of India, as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Essential Commodities (Himachal Pradesh Amendment) Act, 1986.

(2) It shall come into force at once.

Amendment
of section 2
of the Cen-
tral Act No.
10 of 1955.

2. After sub-clause (vi) of clause (a) of section 2 of the Essential Commodities Act, 1955, in its application to the State of Himachal Pradesh, the following new sub-clause (vi-a) shall be inserted, namely :—

“(vi-a) packing cases made wholly or
partly of wood, card-board or straw;”

STATEMENT OF OBJECTS AND REASONS

The question of controlling the prices of the packing cases needed for the transportation of the horticultural perishable produce and ensuring the supply and distribution in adequate quantities of these packing cases has been engaging the close and constant attention of this Government. Some of the saw millers, who are being supplied timber at subsidised rates for the manufacture of packing cases, are charging high prices and are rendering ineffective the legal and administrative measures devised for the maintenance of supplies of packing cases to horticulturists at reasonable and fair prices. It has, therefore, been felt necessary to bring the packing cases made wholly or partly of the wood, card-board or straw within the ambit of the Essential Commodities Act, 1955 so that the provisions of the said Act could be availed of for fixation of prices thereof.

The Bill seeks to achieve the aforesaid object.

SAT MAHAJAN,
Minister-in-charge.

SHIMLA :

The 25th November, 1986.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill proposes to bring the packing cases made wholly or partly of wood, card-board or straw within the ambit of the Essential Commodities Act, 1955 so that the State Government may, for securing their equitable distribution and availability at fair prices, make an order to regulate supply and distribution of packing cases under the said Act. This delegation is essential and normal in character.

SHIMLA-171004, the 25th November, 1986

No. 1-49/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Passengers and Goods Taxation (Amendment) Bill, 1986 (Bill No. 18 of 1986) having been introduced in the Himachal Pradesh Vidhan Sabha on the 25th November, 1986, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 18 of 1986.

**THE HIMACHAL PRADESH PASSENGERS AND GOODS
TAXATION (AMENDMENT) BILL, 1986**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Passengers and Goods Taxation Act, 1955 (Act No. 15 of 1955).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 1986.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 28th day of October, 1986.

15 of 1955

2. In sub-section (1) of section 3 of the Himachal Pradesh Passengers and Goods Taxation Act, 1955, for the word "one-sixth" occurring after the words "not exceeding" but before the words "of the value", the words "fifty per cent" shall be substituted.

Amendment
of section 3.

4 of 1986

3. The Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1986 is hereby repealed:

Repeal and
savings.

Provided that anything done, any rule made or any action taken under the said Ordinance shall be deemed to have been done, made or taken under this Act, as if this Act had come into force with effect from the 28th day of October, 1986.

STATEMENT OF OBJECTS AND REASONS

This Bill is designed to replace without any modification the Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1986 (Ordinance No. 4 of 1986) which was promulgated by the Governor, Himachal Pradesh on 27th October, 1986 and was published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 28th October, 1986 to increase the maximum limit of the tax leviable under section 3 of the Himachal Pradesh Passengers and Goods Taxation Act, 1955 from one-sixth of the value of the fare and freight chargeable from a passenger to 50% of the value of the said fare and freight.

This Bill seeks to achieve the aforesaid objective.

RAJ KRISHAN GAUR,
Minister-in-charge.

SHIMLA :
The 25th November, 1986.

FINANCIAL MEMORANDUM

The provisions of this Bill when enacted will yield an additional annual income to the tune of rupees six crores approximately and no extra expenditure shall have to be incurred out of the State exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Excise & Taxation Department file No. F. (18)-3/86]

The Governor of Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh Passengers and Goods Taxation (Amendment) Bill, 1986, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

Shimla-171004, the 25th November, 1986

No. 1-50/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Bill, 1986 (Bill No. 19 of 1986) having been introduced on the 25th November, 1986, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette alongwith its authoritative English text.

V. VERMA,
Secretary.

1986 का विधेयक संख्या 19.

हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर (संशोधन) विधेयक, 1986

(विधान सभा में यथा पुरःस्थपित)

हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर अधिनियम, 1985 (1985 का 11) में और संशोधन करने के लिए विधेयक।

भारत गणराज्य के सैतीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. (1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर (संशोधन) अधिनियम, 1986 है। संक्षिप्त नाम और प्रारम्भ।

(2) यह अक्तूबर, 1986 के 21सवें दिन से प्रवृत्त समझा जाएगा।

1985 का 11

2. हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर अधिनियम, 1985 की धारा 2 के खण्ड (ग) में "यथास्थिति" शब्द के पश्चात्, किन्तु "छावनी" शब्द से पूर्व "हिमाचल प्रदेश पंचायती राज अधिनियम, 1968" शब्द, चिह्न और अंक अतःस्थापित किए जाएंगे। धारा 2 का संशोधन।

1986 का 3

3. हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर (संशोधन) अध्यादेश, 1986 को एतद्द्वारा निरसित किया जाता है : निरसन और व्यावृत्ति।

परन्तु उपर्युक्त अध्यादेश के अधीन की गई कोई बात, बनाए गए कोई नियम या की गई कोई कार्रवाई, इस अधिनियम के अधीन की गई या बनाए गए समझे जाएंगे मानों कि यह अधिनियम उस दिन प्रवृत्त हो गया था जिसको कि ऐसा नियम बनाया गया था, बात या कार्रवाई की गई थी।

उद्देश्यों और कारणों का कथन

यह विधेयक, हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर (संशोधन) अध्यादेश, 1986 (1986 का 3) को बिना उपान्तरण के प्रतिस्थापित करने के लिए परिकल्पित है, जो ग्रामीण स्थानीय क्षेत्रों को मूल अधिनियम, अर्थात् हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर अधिनियम, 1985 (1985 का 11) की परिधि में लाने के लिए, हिमाचल प्रदेश के राज्यपाल द्वारा 18 अक्तूबर, 1986 को प्रख्यापित किया गया था और राजपत्र, हिमाचल प्रदेश (असाधारण) में तारीख 21 अक्तूबर, 1986 को प्रकाशित किया गया था ताकि शहरी क्षेत्रों से व्यापार के ग्रामीण क्षेत्रों में अपयोजन (मोड़ने) द्वारा उपयुक्त अधिनियम के अधीन कर के संदाय के अपवर्चन की सम्भावना न रहे।

शिमला :

नवम्बर 25, 1986

राज कृष्ण गौड़,
प्रसारी मन्त्री

वित्तीय जापन

इस विधेयक के उपबन्धों के अधिनियमित हो जाने पर राजकोष में प्रतिवर्ष लगभग तीस लाख रुपये की अतिरिक्त आय होगी और कोई अतिरिक्त व्यय अन्तर्बलित नहीं होगा।

प्रत्यायोजित विधान सम्बन्धी जापन

—शून्य—

भारत के संविधान के अनुच्छेद 207 के अधीन राज्यपाल की सिफारिशें

[उत्पादशुल्क एवं कराधान विभाग : फाईल सं० ई०एक्स०एन०-एफ०(९)-1/82]

हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश स्थानीय क्षेत्र में माल के प्रवेश पर कर (संशोधन) विधेयक, 1986 की विषयवस्तु के बारे में सूचित किए जाने के पश्चात् भारत के संविधान के अनुच्छेद 207 के अधीन उक्त विधेयक को विधान सभा में पुरःस्थापित करने और उस पर विचार करने की सिफारिश करते हैं।

Bill No. 19 of 1986.

**THE HIMACHAL PRADESH TAX ON ENTRY OF GOODS INTO
LOCAL AREA (AMENDMENT) BILL, 1986**

(As INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Tax on Entry of Goods into Local Area Act, 1985 (Act No. 11 of 1985).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seven Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Act, 1986.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 21st day of October, 1986.

2. In clause (c) of section 2 of the Himachal Pradesh Tax on Entry of Goods into Local Area Act, 1985, after the word “means” but before the words “the Cantonment” the words, sign and figure “the Himachal Pradesh Panchayati Raj Act, 1968,” shall be inserted.

Amendment
of section 2.

3. The Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Ordinance, 1986 is hereby repealed :

Repeal and
savings.

Provided that anything done, any rule made or any action taken under the said Ordinance shall be deemed to have been done, made or taken under this Act as if this Act had come into force with effect from the day on which such rule was made thing was done or action was taken.

11 of 1985

3 of 1986

STATEMENT OF OBJECTS AND REASONS

This Bill is designed to replace without any modification the Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Ordinance, 1986 (Ordinance No. 3 of 1986), which was promulgated by the Governor, Himachal Pradesh, on the 18th October, 1986 and published in Rajpatra, Himachal Pradesh (Extraordinary) dated 21st October, 1986, to bring the rural local areas within the ambit of the principal Act, i.e. the Himachal Pradesh Entry of Goods into Local Area Act, 1985 (11 of 1985), so that the chances of evasion of payment of the tax under the said Act by diversion of trade from urban areas to rural areas could be eliminated.

RAJ KRISHANGAUR,
Minister-in-charge.

SHIMLA :

The 25th November, 1986.

FINANCIAL MEMORANDUM

The provisions of the Bill when enacted will yield an additional annual income approximately to the tune of rupees thirty lakhs to the State exchequer and will not involve any extra expenditure.

MEMORANDUM ON DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Excise and Taxation Department File No. Exn. F (9)-1/82]

The Governor of Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Bill, 1986, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

Shimla-171004, the 26th November, 1986

No. 1-52/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1986 (Bill No. 20 of 1986) having been introduced on the 26th November, 1986, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 20 of 1986.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS) (AMEND-
MENT) BILL, 1986**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY).

A

BILL

further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1986.

Short title and commencement.

(2) It shall come into force at once.

8 of 1971

2. For the existing sub-section (5) of section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the following sub-section (5) shall be substituted, namely:—

Amendment of section 6-B.

“(5) Where any person who draws pension or is entitled to draw pension under sub-section (1) dies —

- (i) his/her spouse during his/her life time or till he/she remarries; or
- (ii) if such person leaves no spouse, his minor children till they attain the age of majority and in case of daughters till they get married;

shall be entitled to draw, from the day immediately following the day of such death or the 24th day of January, 1986, whichever is later, pension equal to the sum which would have been drawn by such person under this section:

Provided that where more than one person becomes entitled to pension under this sub-section, all such persons shall draw the said pension in equal shares.”

STATEMENT OF OBJECTS AND REASONS

The provision for family pension to the spouses/minor children of deceased legislators was made *vide* H.P. Amending Act No. 3 of 1985 which came into force with effect from 24-1-1986. Under the said provisions, only the spouses/minor children of the deceased legislators who expired on or after the enactment of the said amending Act are eligible to draw family pension and the spouses/heirs of the deceased legislators who expired before 24-1-1986 are not eligible for the said pension. Now it has been decided that the facility of family pension should also be extended to the spouses/heirs of the deceased legislators who were entitled to draw pension and expired before 24-1-1986 *i.e.* the day on which the provisions for family pension were made in the principal Act.

The Bill seeks to achieve the aforesaid objectives.

SHIMLA:

The 26th November, 1986.

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

Under the proposed Bill the spouses/minor children of the deceased legislators who expired before 24-1-1986 will be eligible for family pension with effect from 24-1-1986. It is not possible to anticipate the precise quantum of additional expenditure to be incurred out of the State exchequer for this purpose. However, the proposed Bill when enacted will tentatively involve an additional recurring expenditure to the tune of Rs. 50,000/- per annum and Rs. 10,000/- non-recurring expenditure to pay the arrears for the period from 24-1-1986 to 31-3-1986.

MEMORANDUM REGARDING LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. GAD(PA)-4(D)-37/86]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1986, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.